

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 89 be amended to read as follows:

- 1       Page 34, delete lines 5 through 20, begin a new paragraph and  
2       insert:  
3       **"(b) A person shall not, in connection with a contract for the**  
4       **services of a loan broker, either directly or indirectly, recommend**  
5       **a loan to, or procure a loan on behalf of, a prospective borrower**  
6       **without first conducting a reasonable inquiry concerning the**  
7       **prospective borrower's ability to repay the loan. For purposes of**  
8       **this subsection, a person conducts a reasonable inquiry concerning**  
9       **a borrower's ability to repay a loan if the person considers:**  
10       **(1) a consumer report (as defined in IC 24-5-24-2) or other**  
11       **information maintained by a consumer reporting agency (as**  
12       **defined in IC 24-5-24-3) with respect to the prospective**  
13       **borrower; or**  
14       **(2) information about the prospective borrower available**  
15       **through:**  
16       **(A) a current or past employer of the prospective**  
17       **borrower;**  
18       **(B) public records; or**  
19       **(C) any other legal or commercially reasonable means.**  
20       **A person who violates this subsection is not liable to a borrower, a**  
21       **prospective borrower, or any other person for the violation."**  
22       Page 34, line 21, delete "(b)" and insert "(c)".  
23       Page 40, line 13, delete "ten (10)" and insert "**sixty (60)**".  
24       Page 40, line 23, delete "twenty (20)" and insert "**thirty (30)**".

- 1 Page 40, line 31, delete "liable:" and insert "**liable in accordance**
- 2 **with 12 U.S.C. 2605(f) in any action brought under that section.**".
- 3 Page 40, delete lines 32 through 36.
- 4 Page 58, line 37, delete "ten (10)" and insert "**sixty (60)**".
- 5 Page 59, line 4, delete "twenty (20)" and insert "**thirty (30)**".
- 6 Page 59, line 12, delete "liable:" and insert "**liable in accordance**
- 7 **with 12 U.S.C. 2605(f) in any action brought under that section.**".
- 8 Page 59, delete lines 13 through 17.
- 9 Page 64, line 5, delete "ten (10)" and insert "**sixty (60)**".
- 10 Page 64, line 14, delete "twenty (20)" and insert "**thirty (30)**".
- 11 Page 64, line 22, delete "liable:" and insert "**liable in accordance**
- 12 **with 12 U.S.C. 2605(f) in any action brought under that section.**".
- 13 Page 64, delete lines 23 through 27.
- 14 Page 66, delete lines 14 through 42.
- 15 Delete pages 67 through 75.
- 16 Page 76, delete lines 1 through 14.
- 17 Page 76, line 19, delete "creditor:" and insert "**creditor considers:**".
- 18 Page 76, line 20, delete "obtains".
- 19 Page 76, line 23, delete "and" and insert "**or**".
- 20 Page 76, line 24, delete "obtains".
- 21 Page 76, line 31, delete "loan" means a" and insert "**high cost home**
- 22 **loan" means a high cost**".
- 23 Page 76, line 40, after "documentation" insert "**high cost home**".
- 24 Page 76, line 42, delete "Recommend or issue" and insert "**Make**".
- 25 Page 77, line 3, delete "A creditor, or any officer, agent, or
- 26 employee of a", begin a new paragraph and insert:
- 27 "**(d) A creditor, or any officer, agent, or employee of a creditor,**
- 28 **is not liable to:**
- 29 **(1) a borrower or prospective borrower;**
- 30 **(2) a subsequent purchaser of a home that was the subject of**
- 31 **a:**
- 32 **(A) home loan; or**
- 33 **(B) high cost home loan;**
- 34 **on which a borrower has defaulted; or**
- 35 **(3) any other person;**
- 36 **for a violation of this section.**".
- 37 Page 77, delete lines 4 through 11.
- 38 Page 77, line 24, delete "ten (10)" and insert "**sixty (60)**".
- 39 Page 77, line 31, delete "debtor only if the debtor" and insert
- 40 "**borrower only if the borrower**".
- 41 Page 77, line 33, delete "twenty (20)" and insert "**thirty (30)**".
- 42 Page 77, line 41, delete "liable:" and insert "**liable in accordance**
- 43 **with 12 U.S.C. 2605(f) in any action brought under that section.**".
- 44 Page 77, delete line 42.
- 45 Page 78, delete lines 1 through 4.
- 46 Page 78, line 14, reset in roman "For purposes of this".

- 1 Page 78, reset in roman lines 15 through 16.
- 2 Renumber all SECTIONS consecutively.  
(Reference is to ESB 89 as printed February 22, 2008.)

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Representative Burton